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6 Bodega Latina Corporation, dba El Super

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**

9 MARINA CABALLERO, individual, CASE NO:

10 Plaintiff,  
11 vs.  
12 BODEGA LATINA CORPORATION,  
13 d/b/a EL SUPER, DOES I – X, inclusive,  
and ROE CORPORATIONS I – X,  
inclusive

14 Defendants.

15 **NOTICE OF REMOVAL**

16 To: THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA  
17  
18 Defendant, Bodega Latina Corporation, dba El Super, hereby notice the removal  
of this action to the United States District Court and, in support thereof, states as  
19 follows:

20 1. On or about January 6, 2017, Plaintiff commenced an action in the Eighth  
21 Judicial District Court, Clark County, Nevada, entitled *Marina Caballero v. Bodega*  
*Latina Corporation, dba El Super*, Case No. A-17-749268-C. A copy is attached as  
22 Exhibit <sup>i</sup>. In the Complaint at ¶1, Plaintiff alleges that Plaintiff is a resident of the State of  
23 Nevada.  
24

25 2. Service of Summons and Complaint upon Defendant Bodega Latina  
26 Corporation, dba El Super was made by personal service on January 19, 2017. A copy  
27 is attached as Exhibit <sup>ii</sup>.  
28

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1           3.     No further proceedings have been had in this matter in the Eighth Judicial  
2 District Court, Clark County, Nevada.

3           4.     This Court has original jurisdiction over the subject matter of this action  
4 pursuant to 28 U.S.C. §1332. Further, this matter is one that may be removed to this  
5 Court pursuant to 28 U.S.C. §1441 because it is a civil action that is between citizens of  
6 different states and in which the amount in controversy exceeds \$75,000, exclusive of  
7 interest and costs.

8           5.     Plaintiff alleges in her Complaint that she was and is, at all times relevant  
9 therein, a resident of Clark County, Nevada.

10          6.     Defendant Bodega Latina Corporation is a Delaware Corporation  
11 headquartered in Paramount, California.

12          7.     DOES I-X and ROE CORPORATIONS I-X are named and sued fictitiously  
13 and their citizenship is disregarded as a matter of law for purposes of removal on  
14 grounds of diversity jurisdiction.

15          8.     There is now complete diversity between Plaintiff and Defendant Bodega  
16 Latina Corporation.

17          9.     The Complaint alleges claims for Negligence, Negligent Hiring, Training,  
18 Supervision, Retention and Vicarious Liability/Respondeat Superior.

19          10.    In her Complaint, Plaintiff prays for recovery of general and special  
20 damages, in an amount in excess of Thirty Thousand Dollars (\$30,000.00); attorney's  
21 fees and costs, interest at the statutory rate, and for such other and further relief as the  
22 Court deems just and proper.

23          11.    In her demand, Plaintiff identified her past medical special damages which  
24 incurred approximately \$32,176.60 and offers to settle her claim for \$250,000.00. It is  
25 uncertain if Plaintiff is still receiving medical treatment. Thus, based on the allegations  
26 in the complaint and the representations made by the Plaintiff, the value of the amount  
27 in controversy exceeds \$75,000.00.

28          12.    More than 30 days has not passed since notice of lawsuit was served.

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13. A true and correct copy of this Notice of Removal is being filed on this date with the Clerk of the Eighth Judicial District Court, Clark County, Nevada.

Based on the foregoing, Defendant Bodega Latina Corporation, hereby removes the above-referenced action now pending in the Eighth Judicial District Court, in and for the County of Clark, as Case No. A-16-747368-C to this Court.

DATED this 26<sup>th</sup> day of January 2017.

BAUMAN LOEWE WITT & MAXWELL

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- i Plaintiff's Complaint
- ii Summons and Affidavit of Service

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